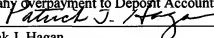


THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
: Examiner: Laura L. Stockton, Ph.D.
George C. PRENDERGAST et al. :
: Group Art Unit: 1626
Application No.10/550,444 :
: Atty Docket No.: 3882-P03161US01
Filing Date: June 1, 2006 :
: Confirmation No: 4650
For: NOVEL IDO INHIBITORS AND METHODS :
OF USE :

Petition for Extension of Time Under 37 C.F.R. §1.136(a):

The undersigned hereby petitions for an extension of time of **ONE (1)** month beyond the time period set in the last Office Action. The Director is hereby authorized to charge the amount of \$65.00 to cover this fee. Please charge any deficiency or credit any overpayment to Deposit Account No. 04-1406.


Patrick J. Hagan
Attorney for Applicant(s)
Registration No. 27,643

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

The Official Action dated February 26, 2009 in the above-identified patent application sets forth a restriction requirement based on the examiner's determination that the pending claims are directed to nine (9) or more separate, patentably distinct inventions, as set forth at pages 2-5 of the Official Action.

In a phone interview with Examiner Stockton, initiated by the undersigned on April 22, 2009, the subject matter of the Group VI invention, as set forth at page 4 of the February 23, 2009 Official Action, was stated by Examiner Stockton to also include ring structure (iii), as shown in claim 1 (page 55, lines 5-6) of the present application. Thus ring structures (ii) and (iii) will be examinable together in this application.

In response to the aforementioned restriction requirement, applicants hereby elect, without traverse, the subject matter of Group VI, i.e., claims 1, 2, 14-17, 25, 26 and 35-37 (in-part).

In accordance with the decision in *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995) and *In re Brouwer*, 37 USPQ2d 1663 (Fed. Cir. 1996), and the Notice published in the Official Gazette on March 26, 1996, setting forth guidelines for the treatment of restricted product and process claims (see 1184 OG 86), applicants respectfully request that in the event the claims of elected Group VI (claims 1, 2, 14-17, 25, 26 and 35-37 (in-part)) directed to brassilexin derivatives are found allowable, then the method claims of Group VIII (claims 3-13 and 25-34) be rejoined and examined for patentability. See §821.04 of the Manual of Patent Examining Procedure.

Claims 1, 2, 14-17, 25, 26 and 35-37 are believed to read on the elected subject matter.

Applicants' election of the Group VI claims in response to the present restriction requirement is without prejudice to their right to file one or more continuing applications, as provided in 35 USC §121, on the subject matter of any claims finally held withdrawn from consideration in this application.

The February 26, 2009 Official Action set a shortened statutory response period of one (1) month. The initial due date for response, therefore, was March 26, 2009. A petition for a one (1) month extension of the response period is presented with this Response to Restriction Requirement, which is being filed before the expiration of the one (1) month extension period.

Early and favorable action on the merits of this application is respectfully requested.

Respectfully submitted,

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